

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RASLYN COBBIN-WOOTEN,

§

Plaintiff,

§

vs.

C.A. NO. 4:19-CV-02389

INVESCO LTD., INVESCO INC., and
INVESCO ADVISERS, INC.,

§

Defendants.

§

§

§

PLAINTIFF'S FIRST AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS

Plaintiff files her First Amended Motion for Attorney's Fees and Costs.¹

The FMLA allows a prevailing plaintiff to request her reasonable attorney's fees and costs. *See* 29 U.S.C. § 2617(a)(3) ("The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant."). Pursuant to 29 U.S.C. § 2617(a)(3), Plaintiff files this fee and cost application with the Court.

Plaintiff attaches the following evidence and documents to support this application:

Exhibit 1: Affidavit of Byron C. Keeling.

- Exh. 1-A C.V.
- Exh. 1-B Spreadsheet of Recoverable Attorney Time
- Exh. 1-C Recoverable and Incurred Costs

Exhibit 2: Fee Agreement between Plaintiff and Curtis, Mallet-Prevost, Colt & Mosle, LLP ("Curtis").

Exhibit 3: Attorney Billing Records for Curtis for 2021.

¹ Plaintiff amends her motion to include Exhibits 3 to 6, which were inadvertently not filed with the original motion. There are no other changes to the motion.

Exhibit 4: Attorney Billing Records for Curtis from March 2020 through October 2020 (no billings for November or December 2020).

Exhibit 5: Attorney Billing Records for Cassidy when a partner at Gregor Cassidy PLLC, his predecessor law firm, from August 2018 (initial client engagement) to March 2020.

Exhibit 6: Attorney Billing Records for Gregor Wynne Arney PLLC, co-counsel to Curtis.

The Court should note that under the Fee Agreement, Plaintiff agreed to a 40% contingent fee if this matter went to trial. *See* Exh. 2. Invesco employed a scorched earth litigation strategy, contesting Plaintiff's right to conduct depositions and being sanctioned by the Court for misconduct. Given Invesco's tactics, and the amount of post-trial litigation, Plaintiff respectfully requests that the Court invoke its discretion and award her attorney's fees totaling 40% of all fees and costs stated in the Judgment.

Alternatively, the Affidavit of Byron C. Keeling, Plaintiff's expert witness, provides an opinion on reasonable attorney's fees based on the lodestar methodology. *See* Exh. 1. Mr. Keeling's opinion, and the evidence presented, is the basis for Plaintiff requesting attorney's fees in the amount of \$284,586.00 under the lodestar method. *See* Exh. 1, para. 7. This includes a 20% reduction based on a proposed segregation of fees between the FMLA and Plaintiff's discrimination and retaliation causes of action. *Id.* at para. 15. The Court has the authority to disregard the 20% segregation reduction and award Plaintiff the full amount of the fees calculated under the lodestar methodology, without a reduction for segregation. Under that analysis, Plaintiff is entitled to reasonable and necessary fees totaling \$355,732.50. *Id.*

Plaintiff further requests reasonable costs and expenses in the amount of \$40,184.29. *Id.* at 1-C. This amount represents the reasonable and necessary costs allowed to a prevailing plaintiff under the FMLA. *See* Exh. 1 at para. 17.

II.

Based on the evidence submitted, Plaintiff asks this Court to grant her application for fees and costs, and such further relief, in law and equity, to which she is justly entitled.

Respectfully submitted,

CURTIS, MALLET-PREVOST, COLT & MOSLE, LLP

/s/ Eric J. Cassidy

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that defendants were served through the Court's ECF filing system via counsel of record on October 8, 2021.

/s/ EJC
Eric J. Cassidy